

June 4, 2024

Via PACER

Hon. Arun Subramanian
 United States District Court
 Southern District of New York
 500 Pearl Street, Courtroom 15A
 New York, New York 10007

Re: *Wenger S.A. v. Olivet International, Inc. et al.*, Case No. 20-cv-01107 (AS)
Letter Motion to Redact Opposition to Motion In Limine

Dear Judge Subramanian:

We represent plaintiff Wenger, S.A. (“Wenger”) in the above-referenced action. Pursuant to Your Honor’s Individual Rules and Procedures For Civil Cases, Rule 11B and 11C, Standing Order 19-MC-583 and Section 6 of the S.D.N.Y. ECF Rules & Instructions, Wenger respectfully seeks leave to redact and file as a redacted document Wenger’s memorandum of law in opposition to defendant Olivet International Inc.’s (“Olivet”) motion *in limine* (“MIL Opp.”).

Wenger’s MIL Opp. contains references to Wenger’s and former defendant SwissTech’s IP Co., LLC’s Confidential Settlement Agreement and Mutual Release effective September 22, 2023 that Wenger seeks to redact. Your Honor has previously granted Olivet’s motion to seal this Agreement, which contains Wenger’s and former defendant SwissTech’s IP Co., LLC’s highly confidential and sensitive business information (Dkt. 334; *see also* Dkt. 358).

Wenger’s MIL Opp. also contains Olivet’s and third-party Walmart’s sensitive and highly confidential financial and business information. Your Honor has previously granted motions to seal and/or redact documents with similar highly confidential sensitive financial and business information (*see* Dkt. 334; Dkt. 359, 360); *See, e.g.*, *Avocent Redmond Corp. v. Raritan Am., Inc.*, No. 10-CV-6100 (PKC), 2012 U.S. Dist. LEXIS 107801 at *45 (S.D.N.Y. July 31, 2012) (sealing documents, containing “market forecasts, sales, inventory management, profit margins” because their disclosure “would cause competitive harm”); *Skyline Steel, LLC v. PilePro, LLC*, 101 F. Supp. 3d 394, 412-13 (S.D.N.Y. 2015) (sealing “highly confidential sales information”); *In re Digital Music Antitrust Litig.*, 321 F.R.D. 64, 82 n.1 (S.D.N.Y. 2017) (“competitive pricing data is sufficiently sensitive to warrant redaction”).

The limited proposed redactions submitted concurrently with this letter motion demonstrate that Wenger’s request is narrowly tailored to protect only highly sensitive business information. Wenger should thus be allowed to redact its MIL Opp. in accordance with the proposed redactions.

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For the foregoing reasons, Wenger respectfully requests that the Court grant this Letter Motion.

Respectfully submitted,

/s/ Michael Lazaroff
Michael S. Lazaroff

Cc: All counsel of record (via ECF)

SO ORDERED. The Clerk of Court is directed to close Dkt. 379.



Arun Subramanian, U.S.D.J.
Date: June 6, 2024